

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JEFFREY P. DATTO, Ph.D.	:	CIVIL ACTION
	:	
v.	:	
	:	
BRIAN HARRISON, et al.	:	NO. 09-2064

JEFFREY P. DATTO, Ph.D.	:	CIVIL ACTION
	:	
v.	:	
	:	
THOMAS JEFFERSON	:	
UNIVERSITY, et al.	:	NO. 09-2549

ORDER

AND NOW this 9th day of September, 2009, upon consideration of the defendants' Motion to Dismiss (Docket No. 3 in Case No. 09-2064), filed in Datto v. Harrision, et al., No. 09-2064 (referred to herein as "Datto III") and the defendants' Motion to Dismiss Counts IV and VI through XII of Plaintiff's Fourth Amended Complaint (Docket No. 4 in Case No. 09-2549), filed in Datto v. Thomas Jefferson University, et al., No. 09-2549 (referred to herein as "Datto I"), and the responses and replies thereto, IT IS HEREBY ORDERED, for the reasons set forth in a Memorandum of today's date, that the Motions are GRANTED IN PART and DENIED IN PART as follows:

1. The Motions are GRANTED IN PART with respect to the plaintiff's claims under the Americans with Disabilities Act ("ADA") and the Rehabilitation Act in Datto I (Counts VI through X) and Datto III (Count I through V). Those claims are DISMISSED

to the extent that they concern the defendants' decision to dismiss the plaintiff from the Jefferson M.D./Pd.D. program. Those claims are not dismissed to the extent they concern the defendants' alleged refusal to readmit the plaintiff to that program.

2. The Motions are GRANTED as to the plaintiff's retaliation claims against the individual defendants under the Rehabilitation Act in Datto I (Count X) and Datto III (Count V), and those claims are DISMISSED as to the individual defendants in both cases.

3. The Motions are DENIED as to the plaintiff's retaliation claims against the individual defendants under the ADA (Count VI in Datto I and Count III in Datto III).

3. The Motions are GRANTED as to the plaintiff's claims under the Pennsylvania Human Relations Act and the Pennsylvania Fair Educational Opportunities Act and those claims (Counts XI and XII in Datto I and Counts VI and VII in Datto III) are DISMISSED in both cases.

4. The Motion in Datto I is GRANTED as to the plaintiff's claims in that case for wrongful termination, and that claim (Count IV) is DISMISSED.

BY THE COURT:

/s/ Mary A. McLaughlin
MARY A. McLAUGHLIN, J.